

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 January 17, 2023

11 4:10 p.m.

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14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The
Senate will come to order.

I ask everyone present to please
rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited
the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT PERSAUD: In the
absence of clergy, let us bow our heads in a
moment of silent reflection or prayer.

(Whereupon, the assemblage respected
a moment of silence.)

ACTING PRESIDENT PERSAUD: The
reading of the Journal.

THE SECRETARY: In Senate, Sunday,
January 15, 2023, the Senate met pursuant to
adjournment. The Journal of Saturday,
January 14, 2023, was read and approved. On
motion, the Senate adjourned.

ACTING PRESIDENT PERSAUD: Without
objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,
7 Madam President.

8 There is a privileged resolution at
9 the desk. Please take that up, read it in its
10 entirety, and recognize Leader Stewart-Cousins on
11 the resolution.

12 ACTING PRESIDENT PERSAUD: The
13 Secretary will read.

14 THE SECRETARY: Senate Resolution
15 274, by Senator Stewart-Cousins, commemorating
16 the observance of the 38th Annual Martin Luther
17 King, Jr., Day in the State of New York, on
18 January 16, 2023.

19 "WHEREAS, From time to time we take
20 note of certain individuals whom we wish to
21 recognize for their valued contributions and to
22 publicly acknowledge their endeavors which have
23 enhanced the basic humanity among us all; and

24 "WHEREAS, Attendant to such concern,
25 and in full accord with its long-standing

1 traditions, it is the custom of this
2 Legislative Body to join the people of this great
3 Empire State in proudly observing the 38th Annual
4 Martin Luther King, Jr., Day in the State of
5 New York, on January 16, 2023, taking note of his
6 many accomplishments and contributions to
7 mankind; and

8 "WHEREAS, Dr. Martin Luther King,
9 Jr., was born the grandson of a slave into a
10 segregated society in Atlanta, Georgia, on
11 January 15, 1929, and was instrumental in
12 formulating a policy which ultimately destroyed
13 legal apartheid in the southern states of our
14 nation; and

15 "WHEREAS, In February of 1968,
16 Dr. Martin Luther King, Jr., spoke about the
17 inevitability of his death and hoped that when we
18 spoke of his life, we would not concentrate on
19 his academic achievements: that he graduated from
20 Morehouse College, that he attended the Crozer
21 Theological Seminary and Boston University, where
22 he earned a doctorate in systematic theology; and

23 "WHEREAS, After returning from
24 Crozer, Dr. Martin Luther King, Jr., delivered
25 his first sermon at Ebenezer Baptist Church in

1 Atlanta and became the church's co-pastor with
2 his father; and

3 "WHEREAS, Dr. Martin Luther King,
4 Jr., a truly humble man, also did not find it
5 important that we mention that he won the
6 Nobel Peace Prize and over 300 other awards; and

7 "WHEREAS, Dr. Martin Luther King,
8 Jr.'s finest legacy of greater social justice
9 for all Americans was truly reflected in his
10 devotion to serve and respect others, and in his
11 steadfast love for all humanity; and

12 "WHEREAS, Standing in a long line of
13 great American black leaders, Dr. Martin Luther
14 King, Jr., represents the historical culmination
15 and the living embodiment of a spirit of united
16 purpose rooted in Black African culture and the
17 American Dream; and

18 "WHEREAS, An apostle of peace,
19 Dr. Martin Luther King, Jr., fought unrelentingly
20 for the civil rights of all Americans and taught
21 us that, through nonviolence, courage displaces
22 fear, love transforms hate, acceptance dissipates
23 prejudice, and mutual regard cancels enmity; and

24 "WHEREAS, Dr. Martin Luther King,
25 Jr., manifestly contributed to the cause of

1 America's freedom, and his commitment to human
2 dignity is visibly mirrored in the spiritual,
3 economic and political dimensions of the civil
4 rights movement; and

5 "WHEREAS, In addition, Dr. Martin
6 Luther King, Jr.'s life was devoted to the
7 liberation of his people, and his courage
8 transcended the advocates of mindless
9 retrenchment; and

10 "WHEREAS, It is the sense of this
11 Legislative Body that the common and shared
12 responsibility of governance demands an
13 irrevocable commitment to the preservation and
14 enhancement of human dignity as exemplified by
15 Dr. Martin Luther King, Jr.; and

16 "WHEREAS, Upon the occasion of the
17 celebration of the birthday of Dr. Martin Luther
18 King, Jr., it is the practice of this Legislative
19 Body to commemorate the heroic efforts of
20 Dr. King, who loved and served humanity, and who
21 was a drum major for peace, justice and
22 righteousness; and

23 "WHEREAS, The 2023 Dr. Martin Luther
24 King, Jr., holiday observance marks the
25 94th anniversary of his birth, and the

1 38th annual holiday celebrated in the State of
2 New York in his honor; now, therefore, be it

3 "RESOLVED, That this Legislative
4 Body pause in its deliberations to memorialize
5 and pay tribute to the legendary life and
6 achievements of Dr. Martin Luther King, Jr., upon
7 the occasion of the anniversary of his birth and
8 the celebration of Martin Luther King, Jr., Day
9 in the State of New York and throughout the
10 nation; and be it further

11 "RESOLVED, That a copy of this
12 resolution, suitably engrossed, be transmitted to
13 the Black, Puerto Rican, Hispanic and Asian
14 Legislative Caucus."

15 ACTING PRESIDENT PERSAUD: Leader
16 Stewart-Cousins on the resolution.

17 SENATOR STEWART-COUSINS: Thank
18 you, Madam President.

19 I always look forward to this
20 weekend as kind of a reset, I think for all of
21 us, in terms of how we manage to sit in this
22 amazing place doing the things that Dr. King
23 quite honestly could only dream of. It's a
24 holiday of enduring hope.

25 As we commemorate the

1 40th anniversary of the King Holiday being signed
2 into law by President Reagan in 1983, let's not
3 forget that when the idea of this day was brought
4 to the floor of the House of Representatives,
5 only two other individuals had federal holidays
6 reserved for them: George Washington and
7 Christopher Columbus.

8 It took more than a decade after
9 Dr. King's death in 1968 for lawmakers to
10 appreciate the fabric-changing nature of his
11 life. But it still wasn't until 2000 that all
12 50 states in the nation celebrated M.L. King Day.
13 And still he stands alone as having the only
14 federal holiday designated for a Black person.

15 The fight to recognize Dr. Martin
16 Luther King, Jr., Day serves as an important
17 reminder that change never comes easily and
18 progress itself is often contested. Although
19 we've made tremendous gains in the fight that
20 Dr. King championed, we must always remember the
21 immortal saying "The past is never dead even if
22 it's passed."

23 Today we continue to reckon with the
24 systemic hardships and deeply rooted injustices
25 that still impact Americans throughout our state

1 and our nation. We remain committed to advancing
2 in these chambers legislation that helps every
3 individual gain a foot on the ladder, while
4 undoing policies which kept them off the ladder
5 in the first place.

6 We will model grace and integrity in
7 our positions and bear in mind that the good
8 fight is often a difficult one and it's often a
9 lonely one.

10 It's worth remembering that Dr. King
11 himself wasn't really popular as he waged this
12 battle. We remember his legacy with great
13 endearment now, but just two years before his
14 murder, two-thirds of Americans disagreed with
15 his message.

16 But he didn't embark on the mission
17 because it was easy, he did it because it was
18 right. Whether it be championing the beliefs
19 that we are all indeed created equal, rooting out
20 our racist laws and policies, marching with
21 leaders and activists in the face of brutality,
22 standing with brothers and sisters everywhere,
23 including those in labor, offering dignity to the
24 many victims of the fight, Dr. King remained
25 steadfast in his principles.

1 To be only 39 years old and endowed
2 with such courage -- not only to stand up to
3 centuries of codified violence, but to do so with
4 the whole nation against you -- exemplifies a
5 labor of bravery that is so few and far between.

6 When I look at certainly my
7 conference, and I see so many firsts of their
8 kind, including the youngest Senators, people who
9 I have to tell that Stevie Wonder's birthday
10 anthem is really about Dr. King --

11 (Laughter.)

12 SENATOR STEWART-COUSINS: How many
13 people knew that? Did you know that? Yes, I
14 mean, like they just think it's like the Black
15 Happy Birthday song. No.

16 (Laughter.)

17 SENATOR STEWART-COUSINS: It really
18 was, because they were trying to -- Steve wanted
19 to push the issue about Dr. King deserving a
20 birthday.

21 But this -- this amazing, this
22 amazing group of people embodies the vigor and
23 the desire to not only fulfill the dream, but to
24 take action in those spaces where injustice has
25 so long resided.

1 It's a pressing reminder that we
2 don't do this work because it's easy. We don't
3 take these battles head-on because we think other
4 people will join us. We do it because it's the
5 right thing to do. And in a generation's time,
6 when our grandchildren receive the world that we
7 made for them, we must leave it better for them
8 than the way we found it.

9 That's exactly what Dr. King did.
10 He fought for justice not only in the moment, but
11 for the dignity and well-being of the future
12 Americans. We live today in the wake of his
13 dream, and again, we're better for it.

14 But obviously there's still more
15 work to do, and we can't expect that doing things
16 exactly the way they've always been done will
17 yield the necessary progress. It takes bold,
18 thoughtful action to change the powers that be
19 and deliver greater equity, fairer
20 representation, and true accountability for
21 people.

22 That's why, in the spirit of
23 Dr. King, our legislative body often rebukes old
24 systems that served maybe a privileged few
25 instead of the deserving many. We stand up to

1 those who cloak themselves in false promises,
2 demand action over words from those with power to
3 make a difference.

4 Top of that agenda is continuing to
5 stand up for all the people, certainly working
6 people in New York, ensuring that our policies --
7 our policies around unions, our policy around the
8 lowest-wage workers -- remain strong.

9 When we talk about the labor unions,
10 Dr. King said the labor movement was the
11 principal force that transformed misery and
12 despair into hope and progress. We cannot defend
13 our basic humanity while large swaths of people
14 are being pilfered. I think of my own father,
15 who after serving in the segregated Army during
16 World War II -- I talk about him all the time:
17 Purple Heart, Bronze Star. When he came home
18 after fighting on behalf of, you know, his
19 nation, he was denied the opportunities that
20 veterans who were his white counterparts had.

21 What made the difference for us,
22 keeping a roof over our head after he'd served so
23 valiantly, was by being able to join a union.
24 Having that organized protection was the
25 difference between a life of, you know, who knows

1 what insecurity to a life of at least being able
2 to make sure that we had healthcare and food. It
3 made a difference.

4 As elected leaders, we hold an
5 awesome responsibility to steer the ship in
6 accordance with the people's will. It took our
7 state nearly 200 years to elect nonwhite men in
8 the highest levels of New York government. And
9 yet Speaker Heastie, Governor Hochul, and myself
10 still stand sort of unique and alone among U.S.
11 states in our historic roles.

12 I take my position here very
13 seriously. I know that it was made -- not in
14 part, but in total -- by the people who came
15 before me, including my parents. Their great
16 sacrifices -- those who gave up everything had
17 nothing -- to move the needle just an inch.
18 That's why in this office, leading the most
19 diverse Senate conference in the history of our
20 state, I'm committed to moving mountains for
21 those who will come after us.

22 As we gain momentum, we must
23 continue extending a hand out to the margins of
24 our community, to the people who too often get
25 left behind in the winds of change. We have to

1 build coalitions on the ground who will rise up
2 through the ranks and assume their own rightful
3 place in power.

4 We need good-faith actors, not
5 Trojan horses, who will fight for the best
6 interests of our communities and uphold the
7 values they were chosen by. We need the right
8 people in the right places to make change happen
9 in perpetuity.

10 Dr. King said it best himself, that
11 "Human progress is neither automatic nor
12 inevitable... Every step towards the goal of
13 justice requires sacrifice, suffering, and
14 struggle; the tireless exertions and passionate
15 concern of dedicated individuals." That's who we
16 are in this chamber. That's what it takes to
17 make change happen.

18 I wish us all the tireless exertion,
19 the passionate concern required in our
20 legislative duties, and the courage to continue
21 fighting for what's right over what's popular, as
22 we build towards a more perfect New York and a
23 more perfect union for us, for our children, and
24 for our grandchildren, for the possibilities of
25 really achieving the dream that Dr. King saw for

1 each of us.

2 So Happy Post-King Day. May we live
3 in that understanding of what his mission was for
4 this day and every day forward.

5 Thank you, Madam President.

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Madam Leader.

8 (Applause.)

9 ACTING PRESIDENT PERSAUD: Senator
10 Bailey on the resolution.

11 SENATOR BAILEY: Thank you,
12 Madam President. Although I don't know how you
13 follow our leader. Quite frankly, you don't, you
14 just speak in your own steps.

15 And because of the magnificent words
16 that our leader said, sometimes when you speak
17 and sometimes in the church, it comes to you and
18 you've got to change direction. So I'm just
19 going to change direction a little bit and I'm
20 going to begin with a Dr. King quote that "A
21 genuine leader is not a searcher for consensus
22 but a molder of consensus." That is who we have
23 in Andrea Stewart-Cousins. Not just a searcher
24 for consensus, a molder of consensus. No matter
25 what part of the state you may be from, no matter

1 what your ideology may be, Leader Stewart-Cousins
2 hears what you have to say in a genuine and
3 earnest way. That is the dream that Dr. King
4 wanted us to realize.

5 You see, I -- I've always had a
6 special relationship with this resolution because
7 it is the very first time that I spoke on the
8 floor as a freshman. And I have not stopped
9 speaking since, Madam President.

10 (Laughter.)

11 SENATOR BAILEY: I am -- I am a
12 little verbose from time to time.

13 But it always strikes me as
14 something worth celebrating.

15 The Book of James, too, tells us
16 that faith without works is dead. I come
17 directly from the Book of James. My grandfather
18 James was born in 1929, the same year as
19 Dr. King. So I come from the Book of James, you
20 see.

21 And the faith that Dr. King had was
22 the same faith that my Teamster grandfather had.
23 Speaking about that labor piece, that dignity,
24 the March on Washington was the March on
25 Washington for Jobs and Freedom, Madam President.

1 That's what Dr. King was speaking about, economic
2 justice and empowerment as well.

3 So this would have been his
4 94th birthday -- 94. A long way away from the
5 age of 39 that he was taken from us. And I
6 always marvel at that. I think I reference it in
7 my speech every year, that as I got closer to 39,
8 I wonder what was I doing to level up to what
9 Dr. King -- and now that I'm on the other side of
10 39, I look back and I see a Nobel Prize winner, I
11 see a civil rights leader, I see an iconic figure
12 at 39 years. But what I've learned, having that
13 4 in front of my age, Madam President, is that
14 it's not about what I'm doing in relation to
15 Dr. King, it's what am I doing with the message
16 that Dr. King has given to us.

17 You know, my favorite Dr. King quote
18 is "Life's most persistent and urgent question
19 is, What are you doing for others?" You know,
20 and I see the world through the lens of my
21 daughters. And it's always amazing to see what
22 they're learning in school now. Giada's in third
23 grade, for those of you who haven't heard about
24 her in a while, Carina's in first grade.

25 And they're learning different

1 things but they're becoming more rooted and
2 stronger in their convictions about what they're
3 seeing and how important Dr. King was. It's no
4 longer about this is just some dude who we have a
5 day off about. This was somebody who inspired my
6 dad, my family, inspires me.

7 You know, I realized something about
8 Dr. King this year, is that he is the greatest
9 example that I can think of, of a phrase called
10 nominative determinism. Your name determines
11 your destiny. Usain Bolt was born to be a track
12 star, like he just had to be. Martin Luther King
13 was born to be a king of kings. Nominative
14 determinism. He was sort of like a maestro, that
15 drum major for justice that you heard of.

16 Speaking of music, there's a
17 conversation that comes from -- in the hip-hop
18 world we talking about sampling, right? When you
19 sample an original track, those of us who are
20 fans of hip-hop, you've heard an original song
21 and then you hear a different version of it
22 afterwards, right? That's sampling, right?

23 We all know about sampling. It is
24 technically the reuse of a portion of a sound
25 recording in another recording. That's the

1 technical definition of it. Right? Jay-Z says,
2 "Yeah, I sampled your voice, you was using it
3 wrong. You made it a hot line; I made it a hot
4 song."

5 So sometimes sampling doesn't always
6 work out. What do I mean by that? Don't sample
7 his voice, don't sample his message, don't sample
8 his quotes if you're not living -- if you're not
9 willing to live by it. Don't quote him if you're
10 not standing up for economic justice and civil
11 rights and labor rights and voting rights and
12 justice. Don't quote him, don't use his voice
13 wrong, because his hot line won't be your hot
14 song. I guarantee that, Madam President.

15 You know, other sampled works last
16 the test of generations. Those of us who are
17 hip-hop fans, we know that "Good Times" became
18 "Rapper's Delight," "Footsteps in the Dark"
19 became Ice Cube's "It Was a Good Day." Dido's
20 "Thank You" became "Stan" from Eminem. The Isley
21 Brothers -- too many hits -- "Between the Sheets"
22 to "Big Poppa."

23 But my favorite sample of all time
24 is a song from Tom Scott and the California
25 Dreamers, called "Today." It was sampled by

1 Pete Rock & CL Smooth -- from "Money Earnin'
2 Mount Vernon," Madam President -- and their song
3 was "They Reminisce Over You."

4 We reminisce over the memory of
5 Dr. King. We reminisce -- shall I say date
6 back -- 94 years ago, to keep it on track.

7 Now, the message that some critics
8 of sampling used to have was that nothing can
9 stand up to the original, Madam President. And
10 it -- it's okay. But the original is the
11 blueprint. The original is the original
12 greatness of these songs, of these people, of the
13 culture.

14 It's okay if you like the sample
15 better, though. Right? Because it's your
16 generation. It's the ear that you listen from.
17 It's the place that you grew up. It's okay to
18 like the sample better, but you have to know the
19 original song.

20 Now, it's important to clear a
21 sample, right, by giving the original artist
22 credit. And by giving the original artist
23 credit -- Dr. King -- we all owe him credit. We
24 would not be here if not for Reverend Dr. Martin
25 Luther King, Jr., make no mistake about it. From

1 ASC to Z, from Heastie to Hakeem, we all live the
2 dream.

3 You know, and I think about the
4 notion of sampling, right, and I think about how
5 generations to come will learn something
6 different about Dr. King each and every year as
7 they study, not just the works that he's -- not
8 just his public work, his theological work as
9 well. Because as a reverend he was also a very
10 deep thinker in the theological world. He said
11 that "Ten thousand fools proclaim themselves into
12 obscurity, while one wise man forgets himself
13 into immortality."

14 Now, we've all sampled that legacy
15 of Dr. King, from quotes to speeches to political
16 philosophy to even the vibration of his voice
17 when we try to nail what he said. But he's the
18 original. But it's okay to sample,
19 Madam President. His immortality was noted. He
20 was certainly a wise man, but never to be
21 forgotten. That's one thing that we will never
22 forget, his legacy.

23 Now, to close, I've vacillated
24 between my favorite speeches from Dr. King. It
25 was once "I Have A Dream," but "I've Been to the

1 Mountaintop" is now my favorite Dr. King speech,
2 because it was more than just a speech. It was
3 prescient, in that it eerily predicted his sad
4 but too-soon departure from this earth.

5 "Well, I don't know what will happen
6 now. We've got some difficult days ahead. But
7 it doesn't matter with me now, because I've been
8 to the mountaintop. And I don't mind. Like
9 anybody, I would like to live a long life.
10 Longevity has its place. But I'm not concerned
11 about that now. I just want to do God's will.
12 And He's allowed me to go up to the mountain.
13 And I've looked over, and I've seen the promised
14 land. I may not get there with you. But I want
15 you to know tonight, that we, as a people, will
16 get to the promised land. And I'm happy,
17 tonight. I'm not worried about anything. I'm
18 not fearing any man. Mine eyes have seen the
19 glory of the coming of the Lord."

20 If you're going to quote Dr. King,
21 you don't have to quote that speech. But live by
22 that proverbial mountaintop that he went to and
23 that he saw the good in each and every one of
24 us -- from 63 districts around the state, to the
25 50 states in the country, to billions of people

1 around the world.

2 Madam President, God bless the
3 legacy of Reverend Dr. Martin Luther King, Jr.

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

6 Senator Kennedy on the resolution.

7 SENATOR KENNEDY: Thank you,
8 Madam President.

9 First of all, let me start by
10 thanking our leader, Majority Leader
11 Stewart-Cousins, for bringing this important
12 resolution to the floor today as we honor
13 Dr. King, his life, his legacy. I want to thank
14 her for her leadership and her words.

15 I want to second the sentiment of
16 our colleague Senator Bailey. I want to thank
17 Senator Bailey for those powerful words.

18 And there's no doubt in my mind that
19 if Dr. King were here today, he would tell us how
20 proud he is of the leadership of this conference,
21 the history-maker that we have among us -- not
22 just what she has brought to this conference, to
23 this state, to this nation, but also how she has
24 done it. So thank you again.

25 I also think Dr. King would be proud

1 of so many in this auspicious chamber, including
2 my colleague Senator Bailey. And I think
3 Dr. King would be perplexed on how I'm supposed
4 to follow Senator Bailey and Majority Leader
5 Stewart-Cousins after those incredible speeches.

6 But I rise today to honor the legacy
7 of Dr. King. As many of you know, it's been a
8 very difficult year in Buffalo and Western
9 New York. On top of the pandemic, which was
10 incredibly heavy in and of itself, we had a
11 racist massacre on Jefferson Avenue in Buffalo
12 that stole 10 lives from us. We had two massive
13 snowstorms that claimed dozens of lives. We had
14 a fire around the holidays that claimed the lives
15 of five precious young children.

16 And it's felt like blow after blow
17 upon our city and our community. But we are
18 resilient, and we are strong, and this is a new
19 year and a fresh start. And no matter what comes
20 our way, 2022 was proof that we can and we will
21 get through anything together.

22 I firmly believe that because I've
23 seen the way we as a community -- not just in
24 Western New York, but our state and really our
25 nation and the global community -- comes together

1 amid tragedy, amid our darkest hours. We respond
2 when people are in need.

3 The Reverend Martin Luther King said
4 it best: "Darkness cannot drive out darkness,
5 only light can do that. Hate cannot drive out
6 hate, only love can do that." And I know that
7 very light and love will carry us forward,
8 uplifting each other regardless of race, creed,
9 color, social class or gender identity.

10 Dr. King has inspired so many of us
11 to serve others, to fight for fairness and
12 justice, and to stand up for what's right. His
13 words and his actions were never about himself;
14 they were always about improving the lives of
15 others. He never spoke a word or led a fight in
16 pursuit of personal acclaim. He only spoke and
17 thought so that others -- so that our nation --
18 could have freedom, equality and peace. It's an
19 example we all seek to emulate, a path we must
20 all follow.

21 As we reflect on Dr. King's life, we
22 reflect on his vision for our nation, his vision
23 of that promised land that Senator Bailey spoke
24 about, that promised land of peace, of equality,
25 of justice. We reflect on the progress we've

1 made and the road we've traveled, and we see
2 clearly that there's much more work that remains
3 on a long road ahead.

4 When so many of New York's children
5 are living in poverty and are struggling to excel
6 in school because they're too hungry to worry
7 about reading, writing and arithmetic, it's clear
8 we have more work to do.

9 When our incarceration rates surge
10 and disproportionately impact people of color,
11 it's clear we have more work to do.

12 When income inequality grows,
13 economic mobility falls, and the middle class
14 loses its footing, it's clear we have more work
15 to do.

16 Working men and women of all colors
17 and creeds deserve a level playing field. They
18 deserve a chance to improve the lot of their
19 family, and they deserve a shot at the American
20 dream. It's with this clarity and commitment
21 that we all must unite and renew our pursuit of
22 the promised land that Dr. King had envisioned
23 for our nation.

24 And I leave you with a few lasting
25 words from Dr. King: "Our lives begin to end the

1 day we become silent about things that matter."
2 May we never be silent, and may we always have a
3 vision for better days.

4 Thank you, Madam President.

5 ACTING PRESIDENT PERSAUD: Thank
6 you, Senator.

7 The question is on the resolution.
8 All in favor signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT PERSAUD: Opposed,
11 nay.

12 (No response.)

13 ACTING PRESIDENT PERSAUD: The
14 resolution is adopted.

15 Senator Gianaris.

16 SENATOR GIANARIS: Thank you,
17 Madam President. At the request of the leader,
18 the resolution is open for cosponsorship.

19 ACTING PRESIDENT PERSAUD: The
20 resolution is open for cosponsorship. Should you
21 choose not to be a cosponsor of the resolution,
22 please notify the desk.

23 Senator Gianaris.

24 SENATOR GIANARIS: There will be an
25 immediate meeting of the Rules Committee in

1 Room 332.

2 ACTING PRESIDENT PERSAUD: There
3 will be an immediate meeting of the
4 Rules Committee in Room 332.

5 The Senate will stand at ease.

6 (Whereupon, the Senate stood at ease
7 at 4:43 p.m.)

8 (Whereupon, the Senate reconvened at
9 4:56 p.m.)

10 ACTING PRESIDENT BAILEY: The
11 Senate will return to order.

12 Senator Gianaris.

13 SENATOR GIANARIS: Mr. President,
14 there's a report of the Rules Committee at the
15 desk. Please take that up.

16 ACTING PRESIDENT BAILEY: The
17 Secretary will read.

18 THE SECRETARY: Senator
19 Stewart-Cousins, from the Committee on Rules,
20 reports the following bills:

21 Senate Print 136, by
22 Senator Krueger, an act to amend the
23 Election Law;

24 Senate Print 242, by Senator May --
25 excuse me.

1 (Pause.)

2 THE SECRETARY: Senate Print 101,
3 by Senator Ryan, an act to amend the Vehicle and
4 Traffic Law;

5 Senate Print 177, by
6 Senator Gianaris, an act to amend the
7 Banking Law;

8 Senate Print 492A, by
9 Senator Comrie, an act to amend the
10 Public Authorities Law;

11 Senate Print 504, by Senator Rivera,
12 an act to amend the Insurance Law;

13 Senate Print 564A, by
14 Senator Kavanagh, an act to amend the
15 Banking Law;

16 Senate Print 599, by
17 Senator Salazar, an act to amend the
18 Insurance Law;

19 Senate Print 604, by
20 Senator Skoufis, an act to amend the
21 Public Health Law;

22 Senate Print 608A, by
23 Senator Salazar, an act to amend the
24 General Business Law;

25 Senate Print 935, by

1 Senator Kennedy, an act to amend the
2 Real Property Tax Law;

3 Senate Print 966, by Senator Rivera,
4 an act to amend the Elder Law;

5 Senate Print 967, by Senator Ryan,
6 an act to amend the Real Property Tax Law;

7 Senate Print 982, by Senator Brouk,
8 an act to amend the Education Law;

9 Senate Print 1065, by Senator Mayer,
10 an act to amend the Banking Law;

11 Senate Print 1144, by
12 Senator Sanders, an act to amend the Banking Law;

13 Senate Print 1242, by
14 Senator Felder, an act to amend the Vehicle and
15 Traffic Law;

16 Senate Print 1267, by
17 Senator Breslin, an act to amend the
18 Insurance Law;

19 Senate Print 1317, by
20 Senator Stewart-Cousins, an act to amend a
21 chapter of the Laws of 2022;

22 Senate Print 1318, by
23 Senator Breslin, an act to amend the
24 Insurance Law;

25 Senate Print 1320, by

1 Senator Breslin, an act to amend the
2 General Business Law;

3 Senate Print 1321, by
4 Senator Rivera, an act to amend the Public
5 Health Law;

6 Senate Print 1322, by
7 Senator Hoylman-Sigal, an act to amend the
8 Environmental Conservation Law;

9 Senate Print 1323, by
10 Senator Bailey, an act to amend the Elder Law;

11 Senate Print 1324, by
12 Senator Krueger, an act to amend the Public
13 Health Law;

14 Senate Print 1325, by
15 Senator Sanders, an act to amend the Penal Law;

16 Senate Print 1326, by Senator Ramos,
17 an act to amend the Labor Law;

18 Senate Print 1327, by
19 Senator Kavanagh, an act to amend the
20 Election Law;

21 Senate Print 1328, by
22 Senator Skoufis, an act to amend the
23 Executive Law;

24 Senate Print 1329, by
25 Senator Thomas, an act to amend the

1 General Business Law;

2 Senate Print 1330, by
3 Senator Gounardes, an act to amend the
4 Insurance Law;

5 Senate Print 1331, by
6 Senator Hoylman-Sigal, an act to amend the
7 Social Services Law;

8 Senate Print 1332, by Senator May,
9 an act to amend the Real Property Actions and
10 Proceedings Law;

11 Senate Print 1333, by
12 Senator Comrie, an act to amend the
13 Not-For-Profit Corporation Law;

14 Senate Print 1334, by
15 Senator Cooney, an act to amend the Real Property
16 Actions and Proceedings Law;

17 Senate Print 1335, by
18 Senator Hoylman-Sigal, an act to amend the
19 Real Property Law;

20 Senate Print 1336, by
21 Senator Hoylman-Sigal, an act to amend a chapter
22 of the Laws of 2022;

23 Senate Print 1337, by
24 Senator Comrie, an act to amend the
25 General Municipal Law;

1 Senate Print 1338, by
2 Senator Comrie, an act to amend the
3 Administrative Code of the City of New York;

4 Senate Print 1339, by
5 Senator Palumbo, an act to amend a chapter of the
6 Laws of 2022;

7 Senate Print 1340, by Senator Brouk,
8 an act to amend the Environmental Conservation
9 Law;

10 Senate Print 1341, by Senator Ryan,
11 an act to amend the Real Property Actions and
12 Proceedings Law;

13 Senate Print 1342, by
14 Senator Cleare, an act to amend the
15 Social Services Law;

16 Senate Print 1343, by
17 Senator Parker, an act to amend the State Finance
18 Law;

19 Senate Print 1344, by
20 Senator Parker, an act to amend the
21 Public Service Law;

22 Senate Print 1345, by
23 Senator Parker, an act to amend the Energy Law;

24 Senate Print 1346, by
25 Senator Parker, an act to amend the State

1 Finance Law;

2 Senate Print 1347, by
3 Senator Skoufis, an act to amend the
4 Executive Law;

5 Senate Print 1348, by
6 Senator Rivera, an act to amend the
7 Social Services Law;

8 Senate Print 1349, by
9 Senator Rivera, an act to amend the Public
10 Health Law;

11 Senate Print 1350, by
12 Senator Rivera, an act to amend the
13 Insurance Law;

14 Senate Print 1351, by
15 Senator Krueger, an act to amend the
16 Criminal Procedure Law;

17 Senate Print 1353, by
18 Senator Brisport, an act to amend the
19 Social Services Law;

20 Senate Print 1354, by
21 Senator Skoufis, an act in relation to requiring
22 monthly status reports of community investments;

23 Senate Print 1355, by
24 Senator Kennedy, an act to amend the
25 Insurance Law;

1 Senate Print 1356, by
2 Senator Sanders, an act to amend the
3 Urban Development Corporation Act.

4 All bills reported direct to third
5 reading.

6 SENATOR GIANARIS: Move to accept
7 the report of the Rules Committee.

8 ACTING PRESIDENT BAILEY: All those
9 in favor of accepting the report of the Rules
10 Committee signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BAILEY: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT BAILEY: The
16 report is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Please take up
19 the reading of the calendar.

20 ACTING PRESIDENT BAILEY: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number 17,
23 Senate Print 644, by Senator Mannion, an act to
24 amend the Election Law.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT BAILEY: Lay it
2 aside.

3 THE SECRETARY: Calendar Number 18,
4 Senate Print 645, by Senator Mannion, an act to
5 amend the Election Law.

6 SENATOR LANZA: Lay it aside.

7 ACTING PRESIDENT BAILEY: Lay it
8 aside. Lay it aside.

9 THE SECRETARY: Calendar Number 20,
10 Senate Print 811, by Senator Breslin, an act to
11 amend the Insurance Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect on the same date and in the
16 same manner as a chapter of the Laws of 2022.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number 21,

1 Senate Print 812, by Senator Ramos, an act to
2 amend the Social Services Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 22,
16 Senate Print 813, by Senator Liu, an act to amend
17 the Education Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the same date and in the
22 same manner as a chapter of the Laws of 2022.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 22, those Senators voting in the
5 negative are Senators Ashby, Borrello,
6 Canzoneri-Fitzpatrick, Griffo, Helming, Lanza,
7 Martins, Mattera, Murray, Oberacker, O'Mara,
8 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
9 Weber and Weik.

10 Ayes, 43. Nays, 19.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number 23,
14 Senate Print 814, by Senator Kennedy, an act to
15 amend the State Finance Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 6. This
19 act shall take effect immediately.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 25,
4 Senate Print 816, by Senator Hoylman-Sigal, an
5 act to amend the General Business Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the same date and in the
10 same manner as a chapter of the Laws of 2022.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 25, those Senators voting in the
18 negative are Senators Borrello, Gallivan, Griffio,
19 Helming, Lanza, Oberacker, O'Mara, Ortt, Rhoads,
20 Stec and Tedisco.

21 Ayes, 51. Nays, 11.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 Senator Gianaris, that completes the
25 reading of today's calendar.

1 SENATOR GIANARIS: Let's please
2 take up the supplemental calendar now.

3 ACTING PRESIDENT BAILEY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number 73,
6 Senate Print 504, by Senator Rivera, an act to
7 amend the Insurance Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 73, voting in the negative are
19 Senators Gallivan and Walczyk.

20 Ayes, 60. Nays, 2.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number 75,
24 Senate Print 599, by Senator Salazar, an act to
25 amend the Insurance Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect immediately.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 75, those Senators voting in the
12 negative are Senators Borrello, Gallivan, Griffio,
13 Helming, Mattera, Murray, Oberacker, O'Mara,
14 Rhoads, Rolison, Stec, Walczyk, Weber and Weik.

15 Ayes, 48. Nays, 14.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number 76,
19 Senate Print 604, by Senator Skoufis, an act to
20 amend the Public Health Law.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT BAILEY: Lay it
23 aside.

24 THE SECRETARY: Calendar Number 77,
25 Senate Print 608A, by Senator Salazar, an act to

1 amend the General Business Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number 79,
15 Senate Print 966, by Senator Rivera, an act to
16 amend the Elder Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the first of April.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number 81,
5 Senate Print 982, by Senator Brouk, an act to
6 amend the Education Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 90th day after it
11 shall have become a law.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator
16 Brouk to explain her vote.

17 SENATOR BROUK: Thank you,
18 Mr. President.

19 I wanted to just outline why this
20 bill was so important and why I'm happy that the
21 leadership has chosen to bring it up again this
22 year.

23 You know, during COVID we learned a
24 lot through crisis and through tragedy, and in
25 some cases we learned where we could do things

1 better. One of those cases was the way we deal
2 with medications and prescription drugs.
3 Specifically, when there's someone in New York
4 who's in need and needs a specific medication for
5 their own health or to save their life, during
6 our Declaration of Emergency we were able to
7 better fulfill those needs by looking at
8 non-resident pharmacies.

9 It should be noted that this is
10 something that large corporation pharmacies have
11 always been able to do. But what this
12 declaration allowed during the state of emergency
13 was what small, independent-owned pharmacies
14 could do the same. And what we should realize is
15 that these small independent pharmacies are often
16 serving some of our most underserved communities,
17 whether in city, suburban or rural areas.

18 So that's what this bill would do.
19 It is taking something that we learned during a
20 tragic crisis, public health crisis in this
21 state, and trying to codify it into law to make
22 sure that more people don't suffer without having
23 this in place.

24 I want to end with just adding there
25 is no going back to pre-COVID days. As a mother

1 of a small child, I'm thinking about the
2 "triple-demic" we're dealing with that we've all
3 heard of, RSV -- and I'm seeing the nods -- RSV,
4 flu, COVID. We've had one of the three and I'm
5 hoping not to get the other two.

6 But the truth is we're never going
7 back to a time before COVID existed, and we're
8 going to continue to deal with supply chain
9 issues, we're going to continue to deal with new
10 viruses and new bacterial infections that we know
11 people are going to need help with.

12 And so a few days -- a few weeks
13 ago -- I'm healthy, but I found myself in the
14 hospital to deal with something, and the more
15 important piece of this is I overheard the nurse
16 in the emergency room telling a family of a
17 4-year-old that "This is your prescription for
18 amoxicillin, but I'm not sure you're going to be
19 able to get it, so here's a few other things you
20 should consider."

21 And I want us all to imagine being
22 with our 3- or 4-year-old sick, in an emergency
23 room, and being told that in the United States of
24 America, in the State of New York, that we don't
25 have every option possible to get you the

1 medicine that you need.

2 So I'm really proud to reintroduce
3 this bill. I'm very proud to vote aye. I thank
4 my colleagues for supporting this. But as we
5 move forward and hopefully get this signed later
6 this year, let's remember that 3-year-old. Let's
7 remember the people who are at stake when we
8 don't do everything possible to learn from the
9 tragedy that we just saw over the past couple of
10 years, and do better by New Yorkers.

11 For those reasons, I vote aye.

12 Thank you.

13 ACTING PRESIDENT BAILEY: Senator
14 Brouk to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number 85,
20 Senate Print 1267, by Senator Breslin, an act to
21 amend the Insurance Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect immediately.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 85, those Senators voting in the
8 negative are Senators Borrello, Oberacker and
9 Walczyk.

10 Ayes, 59. Nays, 3.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 Senator Gianaris, that completes the
14 reading of today's supplemental calendar.

15 SENATOR GIANARIS: At this time
16 let's move on to the controversial calendar,
17 please.

18 ACTING PRESIDENT BAILEY: The
19 Secretary will ring the bell.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number 17,
22 Senate Print 644, by Senator Mannion, an act to
23 amend the Election Law.

24 ACTING PRESIDENT BAILEY: Senator
25 Walczyk, why do you rise?

1 SENATOR WALCZYK: Mr. President,
2 would the sponsor be willing to yield for some
3 questions.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR MANNION: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: In this
10 legislation -- through you, Mr. President -- are
11 we talking about staff at the State Board of
12 Elections or are we talking about a mandate for
13 our local county boards of elections?

14 SENATOR MANNION: Through you,
15 Mr. President, this legislation is to establish
16 criteria for minimum staffing at all boards of
17 elections at the county level across the state.

18 SENATOR WALCZYK: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR MANNION: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR WALCZYK: Is this
2 legislation at the request of the Association of
3 Counties in New York State?

4 SENATOR MANNION: No.

5 SENATOR WALCZYK: Through you,
6 Mr. President, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR MANNION: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: Did we receive
14 resolutions from any counties out of the 62
15 counties in the State of New York supporting this
16 legislation?

17 SENATOR MANNION: Through you,
18 Mr. President, we received no opposition.

19 SENATOR WALCZYK: Through you,
20 Mr. President, the -- the question was have we
21 received any resolutions --

22 ACTING PRESIDENT BAILEY: Are you
23 asking the Senator to yield?

24 SENATOR WALCZYK: Through you,
25 Mr. President, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR MANNION: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR WALCZYK: Yeah, the -- the
8 question, Mr. President, through you, was have we
9 received any resolutions from any of New York's
10 62 counties requesting this legislation or
11 supporting it?

12 SENATOR MANNION: Mr. President,
13 through you, we received no resolutions
14 supporting nor opposing.

15 SENATOR WALCZYK: And through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Does the
19 sponsor yield?

20 SENATOR MANNION: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: How did we arrive
24 at the 4,000 level -- if there's 4,000 people in
25 a county, that requires four full-time staffers?

1 And then the 2,000 -- or the two per 2,000
2 formula, how did -- how did you arrive at that?

3 SENATOR MANNION: Through you,
4 Mr. President, we arrived at the numbers of a
5 minimum of four staff members for every
6 40,000 active voters in a county as a result of
7 interpretation from the report of a statewide
8 elections hearing that occurred, run by Senator
9 Myrie, that I attended at SUNY ESF in 2021.

10 And as a result of that, we
11 developed this legislation to make sure that we
12 met minimum staffing criteria based on the number
13 of things and the importance that elections have
14 in this state.

15 SENATOR WALCZYK: And through you,
16 Mr. President, if the sponsor would continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Does the
19 sponsor yield? Will the sponsor yield?

20 SENATOR MANNION: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: So my
24 understanding is that if -- and I just want to
25 make sure that I have this math right. If a

1 county has 4,000 residents currently, then they
2 are at the four level, but if they go to 40,000
3 and one, they would require six full-time
4 staffers at the boards of elections? Is that --
5 is that correct?

6 SENATOR MANNION: Through you,
7 Mr. President, the number that applies is for
8 every 40,000. Once the threshold of 40,000
9 active registered voters in a county occurs, that
10 would require four full-time staff.

11 Once the number of full-time
12 active -- excuse me, the number of registered
13 active voters hit 60,000, that's when it would
14 require an additional two staff members,
15 full-time staff members.

16 SENATOR WALCZYK: Thank you.

17 Through you, Mr. President, if the
18 sponsor would continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MANNION: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: And I know last
25 week we had some discussions about Hamilton

1 County. There is a practical impact here, and we
2 can get to the mandate of it in a moment.

3 But take Oswego County, for example,
4 who has eight full-time staffers right now at
5 their boards of elections, in addition to their
6 two commissioners. If Oswego County has a
7 population of 117,000, how many full-time
8 staffers will they have to add to their roster?

9 SENATOR MANNION: Through you,
10 Mr. President, zero.

11 SENATOR WALCZYK: Through you,
12 Mr. President, if the sponsor would continue to
13 yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MANNION: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: So if Oswego
20 County has eight full-time staff at their board
21 of elections now, and they have 117,000, wouldn't
22 that bring them up to needing a number of 12?

23 SENATOR MANNION: So through you,
24 Mr. President, the important data point here is
25 the number of active registered voters. And that

1 number, after our analysis, would be that the
2 board of elections in Oswego County would have to
3 add zero full-time staff members.

4 SENATOR WALCZYK: Thank you.

5 Mr. President, on the bill.

6 ACTING PRESIDENT BAILEY: Senator
7 Walczyk on the bill.

8 SENATOR WALCZYK: So it's
9 interesting -- and I -- I appreciate my
10 colleague's answers, and thank you for -- for
11 answering the question on this bill.

12 It's interesting to me, in
13 reflecting, how we've decided to spend our first
14 controversial bills in this chamber, and which
15 ones we've brought to the floor, especially given
16 the stakes in this chamber.

17 It's no surprise -- and I know my
18 colleagues across the aisle will remind us a
19 number of times that they have a two-thirds
20 majority in this chamber. And actually down the
21 hall in the State Assembly, they also have a
22 two-thirds majority in that chamber as well,
23 tilted pretty one-sided to one party. Down on
24 the second floor, we have a Governor who is also
25 of the same party.

1 So imagine being a board of
2 elections commissioner and continuing to see rule
3 changes from the same party that is enjoying
4 large victories and large majorities. Imagine if
5 Commissioner Goodell in the NFL said, We're going
6 to change the rules for next season 200 times;
7 we're going to put in 200 new rules changes. I
8 hope they're signed in the NFL. And good luck,
9 coaches, trying to figure out what rules to play
10 by this season. I bet you would end up with a
11 number of coaches, franchises that are pretty
12 frustrated.

13 Now imagine if it was Bill Belichick
14 after a Super Bowl getting to decide what rule
15 changes -- and by the way, there's going to be
16 200 of them, and they're going to affect all the
17 teams that play in the NFL.

18 Well, I'm glad that the NFL runs --
19 at least right now -- more fairly than this
20 Legislature. Go Bills! I will vote no and
21 encourage my colleagues to do the same.

22 ACTING PRESIDENT BAILEY: Are there
23 any other Senators wishing to be heard?

24 Seeing and hearing none, debate is
25 closed. The Secretary will ring the bell -- oh,

1 I'm sorry.

2 Senator Rhoads.

3 SENATOR RHOADS: I apologize.

4 Thank you. Will the sponsor yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield for a question?

7 SENATOR MANNION: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR RHOADS: Senator Mannion,
11 what is the definition of an active registered
12 voter?

13 SENATOR MANNION: That is
14 determined -- through you, Mr. President, that is
15 determined by the -- someone that is on the
16 rolls. And if someone is inactive for a period
17 of time because they have not voted, they come
18 off the rolls.

19 SENATOR RHOADS: If the Senator
20 will continue to yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR MANNION: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR RHOADS: You did indicate
2 that if a -- if a -- if you have a voter who is
3 inactive, they will eventually be purged from the
4 rolls. Is there any -- anything within this bill
5 that would require that voter to be removed from
6 the rolls?

7 SENATOR MANNION: Through you,
8 Mr. President, that is a different piece of
9 legislation than -- and there's nothing in this
10 bill, as it sits silent on that.

11 SENATOR RHOADS: And if the sponsor
12 will yield to one additional question.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR MANNION: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR RHOADS: Has there been a
19 demonstrated problem with boards of elections and
20 staffing that would require us at the state level
21 mandating what could be an issue for local
22 control for individual boards of elections, based
23 upon their own needs?

24 SENATOR MANNION: Through you,
25 Mr. President, as I stated, I listened to

1 testimony at a statewide hearing on elections,
2 and a report was developed after that.

3 And in my in-person witnessing of
4 the testimony that occurred on that day, several
5 times from -- commissioners who represented
6 boards of elections had expressed concerns over
7 staffing.

8 SENATOR RHOADS: Through you, one
9 additional question. Sorry.

10 ACTING PRESIDENT BAILEY: That's
11 why I never say that, Senator.

12 Will the sponsor yield?

13 SENATOR RHOADS: I never say one.
14 I've got to learn that.

15 ACTING PRESIDENT BAILEY: Yes.

16 SENATOR RHOADS: I've got to learn
17 that.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR RHOADS: Thank you.

21 Was there any testimony as to why
22 those commissioners of the boards of elections
23 simply couldn't hire additional staff if they
24 felt the need?

25 SENATOR MANNION: Through you,

1 Mr. President. My recollection is that at least
2 in one instance they were concerned with the
3 level of pay of their employees.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR MANNION: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR RHOADS: What does this
12 bill have anything to do with the pay that they
13 would receive?

14 SENATOR MANNION: Well, through
15 you, Mr. President, as many bills sit silent on
16 certain other aspects of the law or certain other
17 areas of local control, this bill does not
18 reference the salary of individuals.

19 However, that may be something that
20 we pursue another day to assure that we have
21 highly qualified staff within the boards of
22 elections.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR MANNION: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR RHOADS: But if the only
6 example that we're able to point to is the
7 testimony from one elections commissioner about
8 the pay that he's able to pay his employees, why
9 are we mandating a specific number of board of
10 elections employees that has -- that has to be
11 retained by individual boards of elections?

12 SENATOR MANNION: Through you,
13 Mr. President, it was really the
14 comprehensiveness of the report and the fact that
15 that report occurred as a result of testimony
16 across the state. Errors can occur in elections.
17 And when those errors do occur, it is often
18 because of a lack of bandwidth of the boards of
19 elections and the number of employees that they
20 have.

21 SENATOR RHOADS: Thank you. Thank
22 you.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Rhoads.

25 Are there any other Senators wishing

1 to be heard?

2 Seeing and hearing none, debate is
3 closed. The Secretary will ring the bell.

4 Read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Senator
11 Gianaris to explain his vote.

12 SENATOR GIANARIS: Thank you,
13 Mr. President.

14 I was struck by my colleague Senator
15 Walczyk's comments and point he was making,
16 because I feel the need to educate him that in
17 fact the NFL just changed their rules midstream
18 not two weeks ago when they canceled the
19 Bills-Bengals game and had a meeting of the
20 owners and changed the rules as it relates to
21 home field in the playoffs, something the
22 Cincinnati Bengals were not too happy about.

23 So the fact is these bodies exist --
24 in the case of the NFL, their board; in the case
25 of New York State, our Legislature -- to do

1 exactly what we're doing here, which is set the
2 parameters, set the rules, set the laws for how
3 the state is administered and how our elections
4 are administered.

5 In fact, if Senator Walczyk had his
6 way, I guess there would be no laws, because the
7 law that's being amended was written by another
8 legislature at some point in history.

9 And so this is the responsibility of
10 this body. This is why we are here. And as
11 Senator Myrie likes to say, our Majority has
12 taken our election laws from worst in the nation
13 under decades of Republican rule to first in the
14 nation under our Majority.

15 I'm proud of that and proud to vote
16 in support of this bill, Mr. President.

17 ACTING PRESIDENT BAILEY: Senator
18 Gianaris to be recorded in the affirmative.

19 Senator Rhoads to explain his vote.

20 SENATOR RHOADS: Thank you,
21 Mr. President.

22 We all want -- we want fair and we
23 want accurate elections. And I appreciate
24 Senator Mannion's bill today. But I fail to see
25 and I failed to receive an explanation as to why

1 it is that we need to tell local boards of
2 elections their business. There seems to be no
3 prohibition to local boards of elections, if they
4 feel as though they need additional staff, to be
5 able to hire that additional staff.

6 And again, this is another example
7 of us sort of controlling from the top down and
8 dictating to local boards without knowledge of
9 specific instances in their own counties what
10 they should be doing.

11 So I'll be voting in the -- in the
12 negative. Thank you, Mr. President.

13 ACTING PRESIDENT BAILEY: Senator
14 Rhoads to be recorded in the negative.

15 Senator Borrello to explain his
16 vote.

17 SENATOR BORRELLO: Thank you,
18 Mr. President.

19 Once again I rise to talk about the
20 unfunded mandate that this will be on our local
21 boards of elections.

22 I know our local board of elections
23 commissioners and so forth. In fact, they're in
24 Albany this week to talk about how they can work
25 together to find more efficient ways to deliver

1 those services, and they do an outstanding job.

2 In Chautauqua County, my home, they
3 go so far to save money as to print their own
4 ballots because they don't want to spend the
5 money for an outside printer to do so.

6 They work on shoestring budgets to
7 deliver elections that -- to the best of their
8 ability, that are fair and accurate. And today
9 we take one step further by giving them another
10 mandate without any funding behind it to actually
11 deliver that mandate.

12 So I'll be voting no also.

13 Thank you.

14 ACTING PRESIDENT BAILEY: Senator
15 Borrello to be recorded in the negative.

16 Senator Helming to explain her vote.

17 SENATOR HELMING: Thank you,
18 Mr. President. I rise to explain my vote.

19 As Senator Rhoads said, I too
20 support and want to see fair elections throughout
21 our state.

22 Our current Election Law leaves
23 staffing-level decisions -- how many staff are
24 needed or required -- to local decisionmakers,
25 and I fully support that. I don't support

1 stripping away that decision-making from those
2 local officials. That's one of the reasons why I
3 will be voting no.

4 And the other is something that
5 Senator Borrello just touched upon, that this
6 bill is clearly yet another unfunded mandate on
7 our local boards.

8 Now, last week when we talked about
9 Election Law, I heard several members of the
10 Majority Conference indicate that they intend to
11 provide funding in the upcoming budget. But
12 based on what I've heard from my commissioners
13 and feedback from others, past funding has been
14 sorely inadequate.

15 So this bill is likely to be a large
16 expense for our localities, a large unfunded
17 mandate. And I've seen over and over again what
18 happens when the state thinks things are so
19 important and they don't fund them. The
20 responsibility for funding comes down to the
21 property taxpayers. The cost gets passed, it
22 gets shifted to the county; the county shifts it
23 to the property taxpayers.

24 So for those two reasons and others,
25 I will be voting no.

1 ACTING PRESIDENT BAILEY: Senator
2 Helming to be recorded in the negative.

3 Senator Mannion to close.

4 SENATOR MANNION: Thank you,
5 Mr. President.

6 A couple of points here, which is
7 that as was articulated last week by Senator
8 Mayer, last year we fought for and secured
9 \$2 million in the budget to help alleviate some
10 of the pressures that were occurring at local
11 boards of elections and, in some instances, some
12 of the smaller counties.

13 I will say also that just a few
14 years ago I stood in front of a classroom of
15 students -- in fact, it was 2020. I probably
16 wouldn't be here if it hadn't been for a previous
17 election, which was in 2016. And at that time I
18 stood in front of a classroom of students who had
19 witnessed a presidential election cycle unlike
20 any I had ever seen in my lifetime.

21 One problem with that, in teaching a
22 bunch of 16-year-olds and having children that
23 were 16, was that was really the only
24 presidential election that they had witnessed in
25 their lifetime that they could comprehend.

1 And during that time a phrase was
2 used in 2016, which was that an election was
3 illegally stolen from a candidate. It's the
4 first time I had heard that phrase and any
5 credibility or support behind it. And it was
6 illegally stolen from Ted Cruz in the Iowa
7 caucuses.

8 Here we sit, seven years later, with
9 secretaries of state being threatened to find
10 11,000 votes, and vice presidents of the
11 United States are threatened to be assassinated.

12 So I believe that setting a minimum
13 staffing criteria for the boards of elections
14 that hold up our democracy is not only necessary,
15 it's essential. And we can go along with passing
16 this legislation. I will vote aye. I encourage
17 everyone to do so.

18 And I also encourage everyone to
19 push back against the false narrative that
20 elections are not free and fair, and to reject
21 the toxic messaging of voter fraud that is
22 paralyzing our country.

23 I proudly vote aye.

24 ACTING PRESIDENT BAILEY: Senator
25 Mannion to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 17, those Senators voting in the
4 negative are Senators Ashby, Borrello,
5 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
6 Lanza, Martins, Mattera, Murray, Oberacker,
7 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
8 Tedisco, Walczyk, Weber and Weik.

9 Ayes, 41. Nays, 21.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 The Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number 18,
15 Senate Print 645, by Senator Mannion, an act to
16 amend the Election Law.

17 ACTING PRESIDENT BAILEY: Senator
18 Walczyk, why do you rise?

19 SENATOR WALCZYK: Thank you,
20 Mr. President. Nice to speak to you again.

21 Would the sponsor yield for some
22 questions.

23 ACTING PRESIDENT BAILEY: Long time
24 no speak.

25 Senator Mannion, would you like --

1 will the sponsor yield?

2 SENATOR MANNION: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR WALCZYK: Through you,
6 Mr. President, how many people per capita in
7 New York State have demonstrated experience in
8 election administration or other public
9 management, operations, or administrative
10 experience in the public, nonprofit, or private
11 sector?

12 SENATOR MANNION: Through you,
13 Mr. President, this is the least popular game
14 show in the history of the State of the New York
15 Senate. I have no idea.

16 SENATOR WALCZYK: Through you,
17 Mr. President, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MANNION: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: I asked the -- I
25 asked the question because this is a

1 qualification written out in your bill between
2 lines 7 and 10. And to shorten it up, you've
3 gotten a pretty narrow definition here for what
4 the qualifications are. You're significantly
5 narrowing the definition for what's required of
6 an elections commissioner.

7 I'm wondering if consideration was
8 given and if you can give anything back to this
9 body for how many New Yorkers exist that would
10 meet the qualifications as you've -- as you've
11 written them here.

12 SENATOR MANNION: Through you,
13 Mr. President, what's set forth in the bill is
14 that the Board of Elections would establish
15 criteria so that elections commissioners would be
16 of a certain level, of a certain quality.

17 And those qualifications are not
18 necessarily extensive. All that is listed in the
19 bill, if I understood the Senator's question
20 correctly, would be that an individual would be a
21 registered voter, they would be enrolled in a
22 party, they would be a nonholder of public
23 office. Those who meet that criteria.

24 And then what the bill sets forth is
25 that an individual that would serve as elections

1 commissioner would have some minimum level of
2 criteria that would be set by the Board of
3 Elections of New York State.

4 SENATOR WALCZYK: Through you,
5 Mr. President, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR MANNION: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Yeah, the narrow
13 set of qualifications that I'm looking to zero in
14 on here isn't something that we're giving over to
15 the State Board of Elections to figure out at a
16 narrow date. It's what you've written in this
17 bill here as a qualification: Needing to
18 demonstrate experience in election administration
19 or other public management, operations, or
20 administrative experience in the public,
21 nonprofit, or private sector.

22 I'm simply looking to get a feel for
23 how many people have one of those things on their
24 resume in New York State.

25 SENATOR MANNION: Through you,

1 Mr. President, if I'm understanding the correct
2 section of the bill, this would be qualifications
3 that a current elections commissioner would have,
4 and therefore allow them to continue in that
5 role, which they would be grandfathered in for
6 that term. But beyond that, that would allow
7 them to meet that minimum criteria.

8 SENATOR WALCZYK: Thank you. And
9 through you, Mr. President, if the sponsor would
10 continue to yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MANNION: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: I -- I appreciate
17 that -- that response. And it's good to know
18 that at least the -- the current commissioners
19 that we have existing now have that on their
20 resume and will still continue to qualify at
21 least for that.

22 In line 15, what skills
23 specifically -- and you -- you line out the
24 skills required. What skills would someone have
25 to have in order to be a commissioner of a board

1 of elections in New York State?

2 SENATOR MANNION: Through you,
3 Mr. President. I should include that this list
4 are just -- this list is just examples of
5 possibilities of having administrative qualities.
6 But it's meant to be more expansive than that.
7 These are just a list of certain attributes that
8 may be helpful in showing that an individual
9 would be a good administrator.

10 And therefore, these also are
11 examples that are set forth towards the New York
12 State boards of elections in determining what
13 criteria might be helpful for an individual that
14 ends up being an elections commissioner.

15 Remember that the New York State
16 boards of elections are represented by both
17 Democrats and Republicans, and they would have to
18 come to a consensus, a reasonable consensus of
19 the minimum criteria that individuals who would
20 serve as elections commissioner would need.

21 SENATOR WALCZYK: Through you,
22 Mr. President, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR MANNION: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: Yeah, I
5 understand this isn't a direct prescription.
6 Such qualifications shall -- shall be prescribed
7 by the board only after consideration of skills
8 and knowledge.

9 And it specifically -- through you,
10 Mr. President, the definitions as you've written
11 them here, with -- with a purpose, I would
12 imagine -- the definition of skill, what skills
13 did you have in mind for the Board of Elections
14 to consider?

15 SENATOR MANNION: Through you,
16 Mr. President, this is supposed to be expansive.
17 We want people of quality who would be running
18 boards of elections. And I think by and large,
19 if we went across the state right now, we would
20 find that that is happening. So it really is
21 open-ended, and these are examples that are
22 written.

23 As far as the skills that go, I've
24 already articulated that we need somebody who can
25 manage a budget. We need somebody who has

1 administrative skills, that can oversee staff.
2 And currently there is a process in case that
3 doesn't happen, but this sets the minimum
4 criteria. And it would be set by the Board of
5 Elections.

6 SENATOR WALCZYK: Through you,
7 Mr. President, would the sponsor continue to
8 yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR MANNION: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: In the same line,
15 line 15, you mention knowledge. What knowledge
16 would someone have to display to the Board of
17 Elections in order to become a commissioner in
18 New York State?

19 SENATOR MANNION: Through you,
20 Mr. President, that would be determined by the
21 New York State Board of Elections in a bipartisan
22 manner.

23 SENATOR WALCZYK: And through you,
24 Mr. President, if the sponsor would continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR MANNION: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: Do you imagine
7 there would be a -- a test of knowledge or of
8 skill?

9 SENATOR MANNION: Through you,
10 Mr. President, that would be determined by the
11 New York State Board of Elections in a bipartisan
12 manner.

13 SENATOR WALCZYK: Through you,
14 Mr. President, would the sponsor continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR MANNION: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR WALCZYK: Why -- why would
22 we want Board of Elections working on this with a
23 deadline that is in an election year where this
24 chamber is all up for reelection?

25 SENATOR MANNION: Through you,

1 Mr. President, I believe that there is no
2 correlation between the date that is set and an
3 election date. It is merely to provide time
4 enough for the Board of Elections to develop that
5 criteria and also to allow current elections
6 commissioners, who probably would already meet
7 that criteria, to continue to serve.

8 SENATOR WALCZYK: Through you,
9 Mr. President, would the sponsor continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR MANNION: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: So on line 3 of
17 this bill, it says no later than December 31,
18 2024. That would be the year that we're all
19 up -- I'll ask again. Why would we want Board of
20 Elections to be working on creating a process
21 here that has new requirements for commissioners
22 of the boards of elections in an election year
23 where this chamber is all up for reelection?

24 SENATOR MANNION: Through you,
25 Mr. President. That would be after the time of

1 the election in November. So I'm not sure.

2 SENATOR WALCZYK: Through you,
3 Mr. President, would the sponsor continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MANNION: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: When would
11 this -- if this is signed into law, when would
12 this law go into effect?

13 SENATOR MANNION: Through you,
14 Mr. President, I believe the law would go into
15 effect immediately, if I remember correctly.
16 That the Board of Elections would start to
17 develop that criteria, and then it would -- the
18 part regarding the minimum criteria that's
19 established by the Board of Elections would be
20 initiated in December of 2024.

21 SENATOR WALCZYK: Thank you,
22 Mr. President. On the bill.

23 ACTING PRESIDENT BAILEY: Senator
24 Walczyk on the bill.

25 SENATOR WALCZYK: So on that last

1 piece, Mr. President, I think it's somewhat
2 problematic to talk about changing the rules or
3 the requirements for what a board of elections
4 commissioner -- what the qualifications are for a
5 board of elections commissioner in a year --
6 which is 2024, and they would have to complete
7 this process, I understand, after Election Day in
8 2024. No later than, so they're absolute.

9 And not that government doesn't
10 always move quickly; in this case, they may. But
11 no later than the end of December in 2024, which
12 is the year that this chamber is up for
13 reelection in our -- in our two-year term. Which
14 I think could be problematic.

15 But I don't believe -- overall, I've
16 got a problem with this piece of legislation
17 because I don't believe that we should be
18 creating a political class of boards of
19 elections -- of individuals that are
20 commissioners.

21 We need public servants who have
22 qualifications like integrity, enfranchisement in
23 their heart, fairness in their soul. And I
24 reject the idea that county commissioners are
25 unqualified, need to be better test takers, need

1 to meet requirements that Albany requires of
2 them.

3 For over 200 years, this system has
4 worked well. And I think if -- you know, hearing
5 the thoughts of my colleague in his -- in his
6 last speech about changing Election Law, yeah, I
7 think you're -- you're absolutely right to point
8 out that we need to encourage people to know that
9 there's a fair system.

10 One way that you can undermine the
11 idea that our elections are free and fair
12 currently is to say our board of elections
13 commissioners in New York State are unqualified,
14 and that's why we have to change the law, in
15 order to make sure that they're fully qualified
16 to do their job. Well, that doesn't give people
17 a lot of faith.

18 I have a lot of faith in the hard
19 job that our elections commissioners do. I think
20 we'd make that job a lot easier if we didn't
21 change the Election Law 200 times a year so
22 they're always scrambling to figure it out. And
23 there's now a list of qualifications that we're
24 going to prescribe in this chamber or we're going
25 to delegate to the State Board of Elections

1 that's going to change that fact.

2 So with that said, Mr. President,
3 I'll be voting no, and I encourage my colleagues
4 to do the same.

5 ACTING PRESIDENT BAILEY: Are there
6 any other Senators wishing to be heard?

7 Seeing and hearing none, debate is
8 closed. The Secretary will ring the bell.

9 Read the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar Number 18, those Senators voting in the
19 negative are Senators Borrello,
20 Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,
21 Lanza, Martins, Mattera, Murray, Oberacker,
22 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
23 Tedisco, Walczyk, Weber and Weik.

24 Ayes, 42. Nays, 20.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 The Secretary will ring the bell.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number 76,
5 Senate Print 604, by Senator Skoufis, an act to
6 amend the Public Health Law.

7 ACTING PRESIDENT BAILEY: Senator
8 Ashby, why do you rise?

9 SENATOR ASHBY: Thank you,
10 Mr. President. Will the sponsor yield?

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR SKOUFIS: Of course.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR ASHBY: Through you,
17 Mr. President, are there any active state
18 importation programs up and running right now?

19 SENATOR SKOUFIS: Through you,
20 Mr. President, I count seven states that have
21 pending programs where the state legislatures
22 have enacted similar importation programs that
23 are waiting for federal approval.

24 SENATOR ASHBY: Through you,
25 Mr. President, will the sponsor continue to

1 yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR SKOUFIS: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR ASHBY: What type of
8 funding does a program like this require? And is
9 it enumerated in this bill?

10 SENATOR SKOUFIS: Through you,
11 Mr. President, this is cost-neutral to the
12 taxpayers. Any revenue that would be needed for
13 the operations of this importation program would
14 come from the wholesaler fees.

15 SENATOR ASHBY: Thank you,
16 Mr. President. Will the sponsor continue to
17 yield?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR SKOUFIS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR ASHBY: Through you,
24 Mr. President, has DOH been consulted at all with
25 the implementation of this bill?

1 SENATOR SKOUFIS: Through you,
2 Mr. President, I have not personally had
3 conversations. I can't speak for the other
4 stakeholders who have been involved.

5 But I can point -- you know, context
6 is important here. And I want to thank the
7 19 colleagues from across the aisle who supported
8 this bill last session.

9 There's significant Republican
10 history to this proposal in the sense that the
11 U.S. Congress passed enabling legislation in
12 2003, signed by then President George Bush. The
13 Trump administration actually were the ones that
14 enacted the final rule-making to the federal
15 program here.

16 And I'll point to a recent statement
17 from the Florida secretary of health, the
18 equivalent of what we have here at the DOH, who
19 noted -- Republican-appointed -- in most if not
20 all cases the drugs that we're looking at
21 importing are at least 50 percent less expensive
22 than prescriptions they could find in the
23 United States.

24 And so, you know, I would -- now,
25 look, I would just point my colleague to what

1 could be the motivation of the opponents here,
2 and really there's only one, and that's the
3 domestic drug manufacturers. One can only wonder
4 why they would oppose this bill.

5 SENATOR ASHBY: Thank you,
6 Mr. President. Will the sponsor continue to
7 yield?

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR SKOUFIS: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR ASHBY: Through you,
14 Mr. President. To -- to that point, it's my
15 understanding that the federal rule only allows
16 for importation from Canada. Is that correct?

17 SENATOR SKOUFIS: Through you,
18 Mr. President. As it stands right now, that is
19 correct.

20 There's nothing in the federal law
21 that was enacted that limits the importation to
22 strictly Canada. That's what the FDA has -- the
23 parameters they've set up. As it stands right
24 now, there's nothing that stops them from
25 tomorrow or next month expanding that list of

1 eligible countries.

2 SENATOR ASHBY: Through you,
3 Mr. President, will the sponsor continue to
4 yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR SKOUFIS: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR ASHBY: Through you,
11 Mr. President. Has Canada, to your knowledge,
12 expressed any reserve or concern about their
13 supply and being able to fulfill these orders?

14 SENATOR SKOUFIS: Through you,
15 Mr. President, it is my understanding that Canada
16 has expressed some reservation about importation
17 programs like this. I -- I don't know exactly
18 the details or what make up that reservation.

19 But certainly, you know, it's our
20 job to look out for New Yorkers, and I respect
21 that the Canadian government might have different
22 priorities.

23 SENATOR ASHBY: Thank you,
24 Mr. President.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Ashby.

2 Are there any other Senators wishing
3 to be heard?

4 Seeing and hearing none, debate is
5 closed. The Secretary will ring the bell.

6 Read the last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect immediately.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 76, those Senators voting in the
16 negative are Senators Borrello, Gallivan, Lanza,
17 Stec and Walczyk.

18 Ayes, 57. Nays, 5.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 Senator Gianaris, that completes the
22 reading of the controversial calendar.

23 SENATOR GIANARIS: Is there any
24 further business at the desk?

25 ACTING PRESIDENT BAILEY: There is

1 no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, Wednesday, January 18th,
4 at 11:00 a.m.

5 ACTING PRESIDENT BAILEY: On
6 motion, the Senate stands adjourned until
7 Wednesday, January 18th, at 11:00 a.m.

8 (Whereupon, at 5:45 p.m., the Senate
9 adjourned.)

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